

REMARKS/ARGUMENTS

Claims 10 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Applicants thank the Examiner for indicating the allowable subject matter.

Claims 8-9 and 19-20 are canceled without prejudice. Claim 28 has been added without introducing new matter.

Section 1 of the Office Action mailed on August 21, 2007 indicates that the action is responsive to the "application" filed on 12/01/2006. Applicants respectfully submit that the instant application was filed on 02/28/2002. The previous communication was filed on 5/29/2007.

Section 1 of the Office Action mailed on August 21, 2007 further indicates that Claims 1-6 and 12-23 have been amended. Applicants respectfully disagree and direct the Examiner to the response filed on 5/29/2007 that shows no amendment to any of the claims. Furthermore, section 1 of the Office Action mailed on August 21, 2007 indicates that claims have been canceled herein. Applicants respectfully point out that no claims were canceled in the response filed on 5/29/2007.

Section 2 of the Office Action mailed on August 21, 2007 indicates that claims 1-45 represent a method and apparatus. Applicants respectfully point out that there are only 27 claims presented in the instant application.

Furthermore, on page 4, last paragraph, of the above reference Office Action states that "as to point A, Applicants contend that Heinonen in detail discloses the limitations of the claimed invention." Applicants respectfully disagree and point the Examiner to the response submitted on 5/29/2007 that details why Heinonen fails to anticipate the claimed invention.

Applicants respectfully request appropriate corrections for the above mentioned items.

Claim Rejections 35 U.S.C. §103

Claims 1-9, 11-20 and 22-27 are rejected, under 35 U.S.C. §103(a), as being allegedly unpatentable over Heinonen et al. (U.S. Patent No. 7,151,764 B1) (hereinafter Heinonen) in view of Clark (U.S. Publication No. 2001/0011254 A1) (hereinafter Clark). Claims 8-9 and 19-20 have been canceled without prejudice, thereby obviating the rejection. The Applicants respectfully traverse the rejection as per Claims 1-7, 11-18 and 22-27 in view of the following.

Claims 1-7, 11-18 and 22:

Independent Claim 1 recites:

"A method of connecting to a wireless communication access point comprising:

- a) an initiator device broadcasting a first wireless message to a plurality of potential access point devices, said initiator device storing therein a list of recognized device addresses for connecting thereto;
- b) in response to said initiator device broadcasting said first wireless message, said initiator device receiving a plurality of second wireless messages from a set of said plurality of potential access point devices, wherein said set of said plurality of potential access point devices is defined by at least one physical characteristic;
- c) said initiator device comparing device addresses of said plurality of second wireless messages for address matches with said list of recognized device addresses;
- d) applying a fitness function to address matches of said c) to determine a single address, wherein said fitness function defines an acceptable criteria for determining said single address; and
- e) transmitting a signal to connect to an access point device corresponding to said single address."

Steps (a) – (d) are directed to identifying a single point address of an access point device that satisfies acceptable criteria for a connection to the wireless device.

As presented in Applicants' previous response filed on May 29, 2007, Heinonen discloses that the user device initiates a connection by sending an inquiry packet to an access point (see Heinonen, col. 13, lines 63-64). Heinonen further discloses that the access point responds to this inquiry (see Heinonen, col. 13 line 66 to col. 14 line 1). The access point waits until the user device responds with a page packet containing the user device's address and class of device information such that the access point can select and return an appropriate APSI message (see Heinonen, col. 14, lines 6-15). The sender's

address is matched with an address value in the trigger word table by the access point (see Heinonen, col. 14, lines 18-22). When there is a match, an APSI message is sent to the user device (see Heinonen, col. 14, lines 27-30).

Accordingly, Heinonen discloses communicating different messages between the user device and the access point after the access point to which to connect has been identified whereas steps (a) – (d) of independent Claim 1 are directed to identifying the access point such that the wireless device can connect to, which occurs before initiating a connection to the access point. As such, Heinonen fails to either teach or suggest steps (a) – (d) of independent Claim 1, which occurs before initiating a connection to the access point.

The rejection asserts that “Applicants cherry pick passages in the patent of Heinonen in order to present the reference in a light that is different from the claimed invention.” The Applicants has not misrepresented the cited reference nor “cherry picked” passages thereof. Applicants’ representative has disposed of his duty as required and in accordance with Patent Law and Rules to point out the differences between the claimed invention and the cited reference.

The rejection compels Applicants to capture the essence of the teachings of the prior art reference and refers the Applicants to Heinonen, column 2, lines 5-15, column 7, lines 50-63 and column 11, lines 32-53. Applicants reviewed the

cited portion and find the cited portions to further solidify the Applicants position in view of the following.

Heinonen discloses that WAP uses a combination of Internet Protocols with other protocols (see Heinonen, col. 2, lines 10-12) to establish a connection and send content from the requesting access point device to the WAE microbrowser of the responding user's device (see Heinonen, col. 2, lines 19-22 and col. 7, lines 50-63). Heinonen further discloses that the user device and the AP open a channel and begin a session where the user's device is registered with the service platform (see Heinonen, col. 11, lines 31-35).

Accordingly the essence of Heinonen is establishment of a connection, e.g., setup of protocols, between a user device and an access point after the access point to which to connect has been identified. Thus, Applicants reiterate the previous contention that Heinonen discloses communicating different messages between the user device and the access point after the access point to which to connect has been identified whereas steps (a) – (d) of independent Claim 1 are directed to identifying the access point such that the wireless device can connect to, which occurs before initiating a connection to the access point.

More particularly, as presented in Applicants previous response filed on May 29, 2007, Applicants respectfully reiterate that communication of specific

messages between one access point and one user device, as disclosed by Heinonen, differs from broadcasting a first message to a plurality of potential access point devices, as claimed. In other words, Heinonen discloses initiating a connection to an actual access point whereas independent Claim 1 recites broadcasting a first message to a plurality of potential access point devices, as claimed.

Moreover, Heinonen discloses that instead of the access point sending an inquiry packet, the user device can initiate the connection (see Heinonen, col. 13, lines 60-64). The access point may respond by sending a packet that includes the sender's address field and the sender's class of device field (see Heinonen, col. 13, line 65 to col. 13, line 3). The rejection asserts that the address and the class of device field correspond to the physical characteristic, as claimed. Applicants respectfully submit that the address field and the class of device field contain information about the user device and not the physical characteristic of a potential access point, as claimed. Thus, Clark fails to either teach or suggest that the set of the plurality of potential access point devices is defined by at least one physical characteristic, as claimed.

Furthermore, Heinonen discloses that the access point uses the information of the received packet as stimuli to be matched with trigger words stored in the trigger word table (see Heinonen, col. 9, lines 28-31). Accordingly,

Heinonen discloses that the access point, that is separate from the user device, performs the matching. Accordingly, Heinonen fails to either teach or suggest the recited limitation whereby the initiator device compares device addresses of the plurality of second wireless messages for address matches with the list of recognized device addresses, as claimed because Heinonen discloses that the access point performs the matching.

The rejection asserts that Heinonen discloses that instead of the access point sending out an inquiry packet and receiving an inquiry response packet, the user's device itself can initiate the connection (see Heinonen, col. 13, lines 60-67). Applicants respectfully submit that a disclosure that a connection may be initiated by the user's device instead of the access point fails to explicitly teach or suggest that the initiator device compares device addresses of the plurality of second wireless messages for address matches with the list of recognized device addresses, as claimed.

The rejection admits that Heinonen fails to teach applying a fitness function to address matches of the c) to determine a single address, wherein the fitness function defines an acceptable criteria for determining the single address, as claimed. The rejection relies on Clark to remedy this failure. Applicants respectfully traverse in view of the following.

Applicants do not understand Clark to either teach or suggest the shortcomings of Heinonen as discussed and as presented above. For example, Applicants do not understand Clark to either teach or suggest that the recited steps (a) – (d) occur before initiating a connection to the access point, as claimed. Moreover, Clark fails to either teach or suggest broadcasting a first message to a plurality of potential access point devices, as claimed. Clark further fails to either teach or suggest that the set of the plurality of potential access point devices is defined by at least one physical characteristic, as claimed. Furthermore, Clark does not remedy Heinonen's failure to disclose that the initiator device compares device addresses of the plurality of second wireless messages for address matches with the list of recognized device addresses, as claimed.

Moreover, Clark discloses that the fitness of an instruction sequence is determined by matching the inputs and outputs recorded by software objects from both the first and the second execution of the original software where the fitness of an instruction is equal to the number of input matches with corresponding output differences plus the number of input differences (see Clark, paragraph 325). Accordingly, Clark discloses matching inputs and outputs to determine the fitness of an instruction sequence. Therefore, the matching is performed first before the fitness of an instruction sequence can be determined. Thus, fitness, according to Clark, does not exist prior to the matching. Thus,

Clark fails to either teach or suggest applying a fitness function to address matches, as claimed.

Clark does not determine a single instruction based on the fitness of the instruction sequence because Clark merely discloses matching inputs and outputs to determine a total fitness for the instruction sequence (see Clark, paragraph 325). Thus, Clark fails to either teach or suggest applying a fitness function to address matches of the c) to determine a single address, as claimed. Accordingly, the fitness of an instruction sequence, as disclosed by Clark, fails to teach or suggest the fitness function in the claimed fashion.

Accordingly, Heinonen alone or in combination with Clark fails to render independent Claim 1 obvious, under 35 U.S.C. §103(a). Independent Claim 12 recites limitations similar to that of independent Claim 1 and is patentable over the cited combination for similar reasons. Dependent claims are patentable by virtue of their dependency.

As per Claims 2 and 13, Heinonen discloses that the access point responds to the user device by sending a message having the sender's address field containing the access point's address and by having the sender's class of device field (see Heinonen, col. 13 line 65 to col. 14 line 3). The address of the access point and sender's class of devices as disclosed by Heinonen differ from

the recited limitation that the physical characteristic is defined by a quantity of device threshold, as claimed.

As per Claims 3 and 14, Heinonen discloses that the time required to setup all of the protocol layers in the user's device can exceed the short interval during which the user's device is within communication range of the access point (see Heinonen, col. 7, lines 58-62). Heinonen further discloses that the user device's packet contains the user device's address and class of device information (see Heinonen, col. 14, lines 11-13), compared to the values in the trigger word table and if a match is found then the APSI message cache is checked (see Heinonen, col. 14, lines 19-28). The fact that the time required to setup protocol layers, e.g., comparing address and class of device, may exceed the short interval that the device is within communication range, as disclosed by Heinonen, fails to either teach or suggest that the physical characteristic is defined by a time of discovery threshold, as claimed because no time parameter for discovery threshold is disclosed in Heinonen (see Heinonen, Figure 4B).

As per Claims 4 and 15, Heinonen discloses that the transport protocol group enables Bluetooth devices to locate each other and to create, configure, and manage the physical and logical links that allow higher layer protocols and applications to pass data through the transport protocols (see Heinonen, col. 7, lines 33-37). Heinonen further discloses that the user's device is required to

setup all of the protocol layers in the middleware protocol group and that the time to setup all of the protocol layers may exceed the short interval during which the user's device is within a communication range of the access point (see Heinonen, col. 7, lines 55-62). Moreover, Heinonen discloses different messages that are communicated between the user device and the access point (see Heinonen, col. 14, lines 1-30). Locating, creating, configuring and managing the physical and logical links and the fact that the setup time exceeding the time of being within a range, as disclosed by Heinonen, fails to either teach or suggest that the criteria is an occupancy level less than a predetermined threshold, as claimed.

As per Claims 5 and 16, as discussed and presented above Heinonen discloses locating, creating, configuring and managing the physical and logical links. Heinonen further discloses that the setup time may exceed the time that the device is within range. Thus, Heinonen fails to either teach or suggest the criteria being signal strength greater than a predetermined threshold, as claimed.

As such, allowance of Claims 1-7, 11-18 and 22 is earnestly solicited.

Claims 23-27:

Independent Claim 23 recites in a wireless device comparing the list of access point addresses on a memory cache to the list of current network access

point addresses, as claimed. Independent Claim 23 further recites adding to the list of access point addresses in the memory cache any addresses found on the list of current network access point addresses and not found on the list of access point addresses, as claimed.

As discussed and presented above, Heinonen discloses that the access point uses the information of the received packet as stimuli to be matched with trigger words stored in the trigger word table (see Heinonen, col. 9, lines 28-31) and that when there is a match, the APSI message is checked and sent to the mobile device (see Heinonen, col. 9, lines 34-41). Accordingly, Heinonen discloses that the access point that is separate from the user device performs the matching. Accordingly, Heinonen fails to either teach or suggest the recited limitation whereby in a wireless device comparing the list of access point addresses on a memory cache to the list of current network access point addresses, as claimed.

Moreover, the rejection asserts that Heinonen discloses that instead of the access point sending out an inquiry packet and receiving an inquiry response packet, the user's device itself can initiate the connection (see Heinonen, col. 13, lines 60-67). Applicants respectfully submit that a disclosure that a connection may be initiated by the user's device instead of the access point fails to explicitly teach or suggest that a comparison is performed on a wireless device, as

claimed. As such, Heinonen fails to either teach or suggest that in a wireless device comparing the list of access point addresses on a memory cache to the list of current network access point addresses, as claimed.

Furthermore, Heinonen discloses that the access point uses the information in the received packet to be matched with trigger words stored in the trigger word table (see Heinonen, col. 9, lines 27-31). Heinonen further discloses that when there is a match, APSI message is sent to the mobile Bluetooth device when the APSI message cache corresponds to APSI message stored in the cache (see Heinonen, col. 9, lines 35-40). Heinonen further discloses that if there is no corresponding APSI message, the APSI cache hit logic signals the server notification message table to send a server notification message to a content server (see Heinonen, col. 9, lines 41-46). As such, Heinonen fails to either teach or suggest adding to the list of access point addresses in the memory cache any addresses found on the list of current network access point addresses and not found on the list of access point addresses, as claimed. Applicants respectfully request that the Examiner specifically point to a column and a line number where this feature is shown should this rejection be maintained.

The rejection admits that Heinonen fails to teach deleting from the list of access point addresses in the memory cache any addresses not found on the list of current network access point addresses and found on the list of access point

addresses, as claimed. The rejection relies on Clark. Applicants respectfully traverse in view of the following.

Clark discloses determining which instruction sequences are eligible for removal by sorting them by fitness (see Clark, paragraph 325). As presented and discussed above, Clark discloses matching inputs and outputs to determine the fitness of an instruction sequence. Accordingly, Clark discloses matching input and outputs to determine the fitness of an instruction sequence and then sorting them by fitness before removal. Removing instruction sequence based on their fitness, as disclosed by Clark, fails to either teach or suggest deleting from the list of access point addresses in the memory cache of the wireless communication device any addresses not found on the list of current network access point addresses and found on the list of access point addresses, as claimed.

Accordingly, the Heinonen alone or in combination with Clark fails to render independent Claim 23 obvious, under 35 U.S.C. §103(a). Dependent claims are patentable by virtue of their dependency. As such, allowance of Claims 23-27 is earnestly solicited.

For the above reasons, Applicants request reconsideration and withdrawal of these rejections under 35 U.S.C. §103.

CONCLUSION

In light of the above listed remarks, reconsideration of the rejected claims is requested. Based on the arguments presented above, it is respectfully submitted that Claims 1-7, 11-18 and 22-27 overcome the rejections of record and, therefore, allowance of Claims 1-7, 10-18 and 21-27 is earnestly solicited.

Please charge any additional fees or apply any credits to our PTO deposit account number: 50-4160.

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Respectfully submitted,
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